

(1) “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(2) “Great Lakes fish and wildlife” means fauna, fish, and invertebrates dependent on Great Lakes resources, and located within the Great Lakes Basin.

(Pub. L. 102-440, title II, §204, Oct. 23, 1992, 106 Stat. 2233.)

#### § 943c. Authorization of appropriations

There is authorized to be appropriated to the Secretary, \$250,000 for each of fiscal years 1993 and 1994 to carry out this chapter.

(Pub. L. 102-440, title II, §205, Oct. 23, 1992, 106 Stat. 2234.)

### CHAPTER 16—TUNA CONVENTIONS

- |      |  |
|------|--|
| Sec. |  |
| 951. | Definitions.   |
| 952. | Commissioners; number, appointment, and qualification.   |
| 953. | Advisory Committee; composition; appointment; compensation; duties.                            |
| 954. | Repealed.  |
| 955. | Secretary of State to act for United States.   |
|      | (a) Approval of commission bylaws and rules; action on reports, requests, and recommendations. |
|      | (b) Regulations.   |
|      | (c) Rulemaking procedures; prohibitions.   |
| 956. | Inspection of returns, records, or other reports.  |
| 957. | Violations; fines and forfeitures; application of related laws.                                |
| 958. | Cooperation with other agencies.   |
|      | (a) Coordination of programs.  |
|      | (b) Scientific and other programs; facilities and personnel.                                   |
|      | (c) Facilities and personnel to non-Federal agencies.  |
| 959. | Enforcement of chapter.  |
|      | (a) Issuance of process.   |
|      | (b) Federal law enforcement agents.  |
|      | (c) Execution of process.  |
|      | (d) Arrests.   |
|      | (e) Seizures and disposition of fish.  |
|      | (f) Security.  |
| 960. | Commissions' functions not restrained by this chapter or State laws.                           |
| 961. | Authorization of appropriations.   |

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3377 of this title.

#### § 951. Definitions

As used in this chapter, the term—

(a) “convention” includes (1) the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City, January 25, 1949, by the United States of America and the United Mexican States, (2) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica, or both such conventions, as the context requires;

(b) “commission” includes (1) the International Commission for the Scientific Investigation of Tuna, (2) the Inter-American Tropical Tuna Commission provided for by the conventions referred to in subsection (a) of this

section, or both such commissions, as the context requires;

(c) “United States Commissioners” means the members of the commissions referred to in subsection (b) of this section representing the United States of America and appointed pursuant to the terms of the pertinent convention and section 952 of this title;

(d) “person” means every individual, partnership, corporation, and association subject to the jurisdiction of the United States; and

(e) “United States” shall include all areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(Sept. 7, 1950, ch. 907, §2, 64 Stat. 777; Oct. 15, 1962, Pub. L. 87-814, §1, 76 Stat. 923.)

#### REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (e), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

#### AMENDMENTS

1962—Subsec. (e). Pub. L. 87-814 substituted definition of “United States” for definition of “enforcement agency”.

#### EFFECTIVE DATE

Section 14 of act Sept. 7, 1950, provided: “This Act [this chapter] shall take effect with respect to each of the conventions upon the entry into force of that convention, unless such entry into force shall be prior to the date of approval of this Act [Sept. 7, 1950] in which case this Act [this chapter] shall take effect immediately.” The Costa Rican convention was ratified on March 3, 1950, and the Mexican convention on July 11, 1950. Therefore, the act took effect upon its approval on Sept. 7, 1950.

#### SHORT TITLE

Section 1 of act Sept. 7, 1950, provided: “That this Act [enacting this chapter] may be cited as the ‘Tuna Conventions Act of 1950’.”

#### SEPARABILITY

Section 13 of act Sept. 7, 1950, provided: “If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.”

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### LANDING OF CATCH OF FISH BY FOREIGN VESSELS

Section 6 of Pub. L. 87-814 provided that: “Nothing in this Act [amending this section and sections 955 to 957, 959 of this title] shall be construed to amend or repeal the provisions of section 4311 of the Revised Statutes, as amended (46 U.S.C. 251).”

#### § 952. Commissioners; number, appointment, and qualification

The United States shall be represented on the two commissions by a total of not more than four United States Commissioners, who shall be appointed by the President, serve as such during his pleasure, and receive no compensation for their services as such Commissioners. Of such Commissioners—

(a) not more than one shall be a person residing elsewhere than in a State whose vessels maintain a substantial fishery in the areas of the conventions;

(b) at least one of the Commissioners who are such legal residents shall be a person chosen from the public at large, and who is not a salaried employee of a State or of the Federal Government;

(c) at least one shall be an officer of the Department of Commerce; and

(d) at least one shall be chosen from a non-governmental conservation organization.

(Sept. 7, 1950, ch. 907, § 3, 64 Stat. 777; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Oct. 26, 1992, Pub. L. 102-523, § 3(a)(1), 106 Stat. 3433.)

#### AMENDMENTS

1992—Par. (d). Pub. L. 102-523 added par. (d).

#### TRANSFER OF FUNCTIONS

“Department of Commerce” substituted in text for “United States Fish and Wildlife Service” in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

#### ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 951 of this title.

### § 953. Advisory Committee; composition; appointment; compensation; duties

The United States Commissioners shall (a) appoint an advisory committee which shall be composed of not less than five nor more than fifteen persons who shall be selected from the various groups participating in the fisheries included under the conventions, and from non-governmental conservation organizations, and (b) shall fix the terms of office of the members of such committee, who shall receive no compensation for their services as such members. The advisory committee shall be invited to attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the commissions. The advisory committee may attend all meetings of the international commissions to which they are invited by such commissions.

(Sept. 7, 1950, ch. 907, § 4, 64 Stat. 778; Oct. 26, 1992, Pub. L. 102-523, § 3(a)(2), 106 Stat. 3433.)

#### AMENDMENTS

1992—Pub. L. 102-523 inserted “and from nongovernmental conservation organizations,” after “under the conventions.”

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 954. Repealed. Pub. L. 92-471, title II, § 203(b), Oct. 9, 1972, 86 Stat. 787

Section, act Sept. 7, 1950, ch. 907, § 5, 64 Stat. 778, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

### § 955. Secretary of State to act for United States

#### (a) Approval of commission bylaws and rules; action on reports, requests, and recommendations

The Secretary of State is authorized to approve or disapprove, on behalf of the United States Government, bylaws and rules, or amendments thereof, adopted by each commission and submitted for approval of the United States Government in accordance with the provisions of the conventions, and, with the concurrence of the Secretary of Commerce, to approve or disapprove the general annual programs of the commissions. The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, recommendations, and other communications of the commissions, and to take appropriate action thereon either directly or by reference to the appropriate authority.

#### (b) Regulations

Regulations recommended by each commission pursuant to the convention requiring the submission to the commission of records of operations by boat captains or other persons who participate in the fisheries covered by the convention, upon the concurrent approval of the Secretary of State and the Secretary of Commerce, shall be promulgated by the latter and upon publication in the Federal Register, shall be applicable to all vessels and persons subject to the jurisdiction of the United States.

#### (c) Rulemaking procedures; prohibitions

Regulations required to carry out recommendations of the commission made pursuant to paragraph 5 of article II of the Convention for the Establishment of an Inter-American Tropical Tuna Commission shall be promulgated as hereinafter provided by the Secretary of Commerce upon approval of such recommendations by the Secretary of State and the Secretary of Commerce. The Secretary of Commerce shall cause to be published in the Federal Register a